IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 819 OF 2006

Jitendra Nandkumar Jerande. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri K.S. Patil for Applicant.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 2, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence which is registered by the Poynad Police Station, District Raigad under Sections 302, 147, 148, 149 of the IPC and under Sections 37(1), 135 of the Bombay Police Act.

2. It is alleged that the applicant and others were travelling in a jeep. At that time, the main accused told the driver of the jeep to take jeep to a particular place. After having taken the jeep, the other accused

went there where the person was standing and assaulted him with a wooden bars. All the witnesses have stated that the applicant was sitting in a jeep and that he had not participated in the said assault. The trial Court has rejected his application only on the ground that the applicant has past antecedents of cases under Sections 147, 148, 323, 326 and therefore, if released on bail, he is likely to commit several offences.

3. Learned APP pointed out that the externment proceeding has been initiated against the present applicant. He has submitted that there are witnesses who have stated that the applicant also for sometime was driving the jeep. Be that as it may. The fact remains that the applicant according to the eye witnesses was not the assailant and was merely sitting in sumo jeep and the assailants who have assaulted the deceased have been released on bail. Under these circumstances, in my view, the applicant is entitled to be released on bail.

4. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount.

He shall report to Poynad Police station twice in a month or if he is externed, to the nearest police station of his new residence.

. The application is disposed of.

(V.M. Kanade, J.)